

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.:	DOA-2010-02574
Control No.:	2004-00457
Applicant:	Principal Development Group, LLC
Owners:	Principal Development Group, LLC
Agent:	CMS Engineering, LLC - Pol Africano
Telephone No.:	(561) 364-3660
Project Manager:	Carol Glasser, Site Planner II

Location: Vicinity of the northwest corner of Hagen Ranch Road and W. Atlantic Avenue (Villaggio Isles MUPD)

TITLE: a Development Order Amendment **REQUEST:** to increase square footage, reconfigure the site plan, modify/delete Conditions of Approval (Architectural Review, Engineering, Landscaping, Planning, Signs, Site Design), and restart the development clock.

APPLICATION SUMMARY: Proposed is a Development Order Amendment (DOA) to the Villaggio Isles Multiple Use Planned Development (MUPD) (formerly known as Terranova MUPD). The 17.67-acre site was previously approved by the Board of County Commissioners (BCC) on November 17, 2005 for 155,000 square feet of commercial uses in 5 buildings. The applicant proposes to reconfigure the site plan and increase square footage by 20,800 square feet to 175,800 square feet in 6 buildings. Additionally, the applicant requests to modify Architectural Review Conditions 1 and 3 to be consistent with the Preliminary Site Plan; delete Engineering Condition 9 to provide legal positive outfall for W. Atlantic Ave.; modify Landscaping Condition 1 to reduce the north incompatibility buffer width from 50 feet to 20 feet; modify Planning Condition 5 to allow for phasing of the cross access points; modify Sign Condition 1 to add 1 sign; and, delete Site Design Conditions regarding focal points. The applicant is also requesting to restart the development clock pursuant to a new traffic study. The site plan indicates 741 parking spaces. One access point on W. Atlantic Avenue and 1 access point on Hagen Ranch Road will remain.

ISSUES SUMMARY:

o Project History

On November 17, 2005, the BCC approved Resolution R-2005-2290 for a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Development District (PDD) for the development of 155,000 square feet of commercial uses in a MUPD known as Terra Nova MUPD. At this hearing, legal representatives of Atlantic Commons Planned Unit Development (PUD) and the Terra Nova PUD and MUPD indicated that an agreement had not been finalized to allow the Atlantic Commons PUD to traverse through the Terra Nova PUD to W. Atlantic Avenue via the shared access point of the PUD and MUPD. The BCC's November 17, 2005 approval further stipulated that the application would be readvertised for the January 5, 2006 BCC hearing to be reconsidered should the shared-access agreement not be finalized. The January 6, 2006 BCC hearing verbatim indicates that after discussion the BCC did not make a motion on this application, which left the application as approved on November 17, 2005 via Resolution R-2005-2290.

o Consistency with Comprehensive Plan

The Planning Division has reviewed the request for a Development Order Amendment to reconfigure the site plan, add office square footage and modify/delete conditions of approval and has found the request to be consistent with the site's Commercial High with an underlying Medium Residential, 5 units per acre (CH/5) Future Land Use (FLU) designation. See Staff Review and Analysis section from the Planning Division for more information.

o Compatibility with Surrounding Land Uses

- NORTH:
FLU Designation: Medium Residential, 5 units per acre (MR-5)
Zoning District: PUD
Supporting: Agricultural (Villaggio Isles PUD, Control No. 04-456)
- SOUTH:
FLU Designation: Commercial High, with an underlying High Residential, 8 units per acre (CH/8)
Zoning District: General Commercial (CG)
Supporting: Vacant (Part of Petition 81-067 for rezoning to CG; not part of the Special Exception for the Gasoline Pump Island Facility.)
- SOUTH across Atlantic Avenue:
FLU Designation: MR-5
Zoning District: Residential Transitional Urban (RTU) (a prior Zoning District corresponding to Residential Single-family (RS))
Supporting: Multi-Family (East Point, Control No. 86-007)
- EAST:
FLU Designation: CH/8
Zoning District: CG
Supporting: Gasoline Pump Island Facility (Control No. 81-067)
- EAST across Hagen Ranch Road:
FLU Designation: CH/8
Zoning District: CG
Supporting: Shopping Center (Oriole Plaza Control Nos. 73-039 and 81-140)
- WEST:
FLU Designation: CH/5
Zoning District: PUD
Supporting: Agricultural (Villaggio Isles PUD, Control No 2004-456)

The Terra Nova MUPD (now known as Villaggio Isles MUPD) was previously found to be compatible with the surrounding land uses. The site abuts the Villaggio Isles PUD development to the north and west. A 20-foot wide Type 3 incompatibility buffer with a wall is provided adjacent to residential. The applicant proposes to redesign the site to mitigate the request to delete the 50-foot wide buffer along the north property line by placing the dry detention area along the north property line thereby maintaining the intent of the 50-foot separation from the residential to the north. The retail building along the west property line adjacent to residential has been reduced from 2 to 1-story. The 2-story building is now the medical office building, which does not propose any loading activity at the rear adjacent to residential. The cross access vehicular and pedestrian interconnectivity points between the PUD and the MUPD, which were previously required to encourage the overall connectivity between the two sites, remain with the reconfigured site design.

The site abuts a vacant commercial parcel to the south, an existing gas station to the east, and a similar commercial project (Oriole Plaza) to the east across the 80-foot wide Hagen Ranch Road ROW. To the south across the 120-foot wide Atlantic Avenue ROW is the East Point development consisting of 67 zero lot line homes and the Lexington Club townhome development is to the southeast. The provided front setback from Atlantic Avenue is increased from 56 feet to 99 feet.

Subject to the recommended conditions of approval, staff does not anticipate any significant incompatibility issues with the request to add 20,800 square feet, reconfigure the site plan and add a building, and to modify/delete conditions of approval.

o Modification of Conditions

The applicant is requesting to modify/delete Architectural Review, Engineering, Landscaping, Planning, Signs, and Site Design conditions consistent with the proposed Preliminary Site Plan dated December 13, 2010 and for conditions of approval no longer applicable.

Applicant's Request:

Modify Architectural Review 1, which requires elevations for the previously approved 2-story buildings, to indicate that Building 6 for the medical office is now the only 2-story building. Modify Architectural Review 3, which limits the height of the restaurant and bank buildings to 25 feet, to reflect the new building numbers for the restaurant and bank buildings.

Delete Engineering 1.a-e, 2, 4, 5, and 10 as these conditions are deemed satisfied per the 1st amendment to the Atlantic Avenue Agreement.

Modify Engineering 1.f to update the build-out date per the Traffic Study approved with this application from January 1, 2008 to January 1, 2016.

Delete Engineering 6 for corridor conveyance of right-of-way as no longer applicable.

Delete Engineering 9 for an Atlantic Avenue road drainage easement as the adjacent Villaggio Isles PUD project provides all of the detention requirements for the PUD, the MUPD, and the Atlantic Avenue roadway drainage.

Delete Zoning-Landscaping Along the North Property Line condition 1, which requires a 50-foot wide buffer abutting the Villaggio Isles PUD. The applicant proposes to provide the required 20-foot wide Type 3 incompatibility buffer with a wall and to locate a dry retention area adjacent to the buffer to mitigate the request. Modify Zoning-Landscaping Abutting the South and West Property Lines condition 1, which requires additional palm trees, to include also the north property line pursuant to the above request to delete the north property line condition.

Modify Planning 5 to allow the property owner to construct the cross access points consistent with an approved phasing plan.

Modify Signs 1 and 2 to update the date of Preliminary Site Plan.

Delete Site Design 1, which required a redesign of 6 parking spaces based on the September 28, 2005 Preliminary Site Plan, as no longer applicable. Delete Site Design 2, which required architectural/focal points based on the September 28, 2005 Preliminary Site Plan, as no longer applicable.

Staff's Response:

Staff recommends that the conditions of approval be modified/deleted as requested to implement the Preliminary Site Plan dated December 13, 2010. However, the Engineering conditions are marked as "Completed" versus deleted to maintain the monitoring/tracking of conditions of approval. Thus, Engineering 1a-e, 2, 4, 5, and 10 are noted as "COMPLETED per Atlantic Avenue Agreement." Engineering 6 is noted "COMPLETED." The correct build-out date for Engineering 1.f is December 31, 2015. Engineering and the applicant have agreed on amended road drainage easement language for Engineering 9.

Architectural Review 3 is recommended to be deleted as no longer applicable. The restaurant and bank buildings have been relocated to the property frontage and do not require the imposition of a height limitation condition to ensure the appropriateness or compatibility of the buildings.

Staff recommends approval of the applicant's request to delete the landscaping condition for the north property line and modify the landscaping condition for the south and west property line to include the

north property line. Staff agrees that the proposed redesign of the northern portion of the site to relocate the restaurant (and restaurant's loading area) away from residential and placement of the dry retention area adjacent to the 20-foot wide Type 3 incompatibility buffer mitigates for the request to reduce the width of the buffer. Incompatibility issues are decreased with the proposed medical office use at the northwest corner of the site. Additional setback is also provided for the loading operations and dumpsters serving the primary retail use. A 15-foot wide Type 2 incompatibility buffer with a 6-foot high continuous hedge is provided along the entire length (south and east property lines) of the abutting PUD development.

Planning and the applicant have agreed on the modification of Planning 5 and new Planning conditions 7 and 8 to allow for phasing of the vehicular and pedestrian access/cross access paving.

Staff has updated the Sign conditions for the Preliminary Site Plan date. Staff recommends deletion of Sign condition 3 to allow the MUPD to comply with Table 8.G.1.A, which addresses wall signage facing residential uses.

Staff recommends Site Design 1 and 2 be deleted as requested to implement the proposed Preliminary Site Plan. New Site Design conditions are recommended to address relocation of the sidewalk located on the south side of Building 6 and to condition an alternative buffer at the southern portion of the Type 3 incompatibility buffer. Art. 3.E.3.B.2.c allows an alternative buffer pursuant to BCC condition of approval. The wall for the portion south of the western cross access point is proposed to be within the adjacent 15-foot wide incompatibility buffer of the PUD.

Staff recommends the previous Lighting conditions be deleted to simplify compliance with lighting regulations in Art. 5.E.4.E, which have subsequently been revised.

o Traffic

On March 16, 2009, the Traffic Division approved the traffic study dated February 13, 2009 to extend the date for commencement of development to November 17, 2010. The applicant submitted this application on October 20, 2010 requesting to restart the development clock pursuant to approval of a new Traffic Study in compliance with Art. 2.E.3.B.3.a.2. The Traffic Study dated November 22, 2010 was approved with this application. See Engineering Comments in the Staff Review and Analysis section for additional information.

o Landscape/Buffering

A Type 3 incompatibility buffer, which is 20 feet in width with a wall, will be provided along the north property line and along the west property line north of the cross access point. South of the cross access point, the applicant proposes an alternative buffer pursuant to Art. 3.E.3.B.2.c, where the wall is provided within the 15-foot wide Type 2 incompatibility buffer of the adjacent PUD development. Staff supports the applicant's proposal that the wall be provided within the adjacent PUD buffer to avoid the circumstance of double walls creating a hidden area between the developments and also to allow motorists approaching from the west to see the proposed pharmacy at the southwest corner of the site. (See Site Design conditions 2 and 3) Twenty-foot wide ROW buffers will be provided along the Atlantic Avenue and Hagen Ranch Road frontages (south and east property lines). A 5-foot wide compatibility buffer is provided along the south and east property lines adjacent to the gas station and vacant commercial land.

o Signs

The previously approved Master Sign Plan included details of 2 project identification towers 32 feet in height. The Project ID Towers although now proposed to be reduced in height, cannot support any signage. The structures will remain tower feature/focal points but with no sign. Staff recommends that the previous wall sign condition be deleted to allow the project to comply with current sign regulations in Table 8.G.1.A, which addresses wall signage facing a residential district. Prior to final approval by the DRO, the Master Sign Plan shall be revised to comply with current ULDC requirements in Art. 8 Signage and Sign conditions 1 and 2.

o Architectural Review

This project is subject to Art. 5.C Architectural Design Standards. The buildings will remain architecturally compatible with the adjacent PUD. The elevations for Building 6, which is the medical office 2-story building, must be submitted simultaneously with submittal for final Development Review Officer (DRO) approval per Architectural Review condition 1.

o Development Order Amendment to a PDD – Changed Circumstances

The applicant provided a summary of the recent retail and office market trends data for the Delray sub-market in their Justification Statement. The applicant states that changed conditions and circumstances since the original approval of the MUPD are related to the recent economic recession and retail and office market trends. The applicant requests to redesign the site to provide efficient retail and office layouts that are marketable and attractive to potential tenants for a sustainable project. The applicant proposes to redesign the site to eliminate 2nd floor retail space and expand 1st floor retail space based on their analysis that retail tenants prefer 1st floor. The applicant proposes to allocate all of the office space in a separate 2-story office building because the elongated building is more suited for retail space than office space.

Staff has evaluated the applicant's justification and responses for each standard listed under Article 2.B.2.B 1-9, and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the request.

o Zoning Commission (ZC) Hearing

At the February 3, 2011 ZC hearing, this application was on the consent agenda. The applicant agreed to the recommended conditions of approval. Commissioner Kaplan moved to recommend approval and Commissioner Anderson seconded the motion. The motion carried unanimously 8-0.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-42-46-16-00-000-7070	Same
Land Use Designation:	Commercial High, with an underlying Medium Residential, 5 units per acre (CH/5)	Same
Zoning District:	Multiple Use Planned Development (MUPD)	Same
Tier:	Urban/Suburban	Same
Use: (Approved)	Retail, Sales General Financial Institution Restaurant, Type II Pharmacy	Retail Sales, General Financial Institution Restaurant, Type II (Pharmacy is classified as Retail Sales, General) Medical or Dental Office
Acreage:	17.67 acres	Same
Intensity:	155,000 square feet (SF)	175,800 SF (+20,800 SF +13.4%)
Parking:	762 spaces	704 spaces (Provided parking is within the allowable PPD parking range.)
Access:	1 from Hagen Ranch Road and 1 from Atlantic Avenue	Same

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received 5 contacts from the public: 4 in support of this project with the stipulation of a traffic light on Hagen Ranch Road [adjacent PUD’s access], and 1 in opposition indicating traffic concerns. Alliance of Delray Residential Associations, Inc. indicated no objection to this project (See Exhibit E).

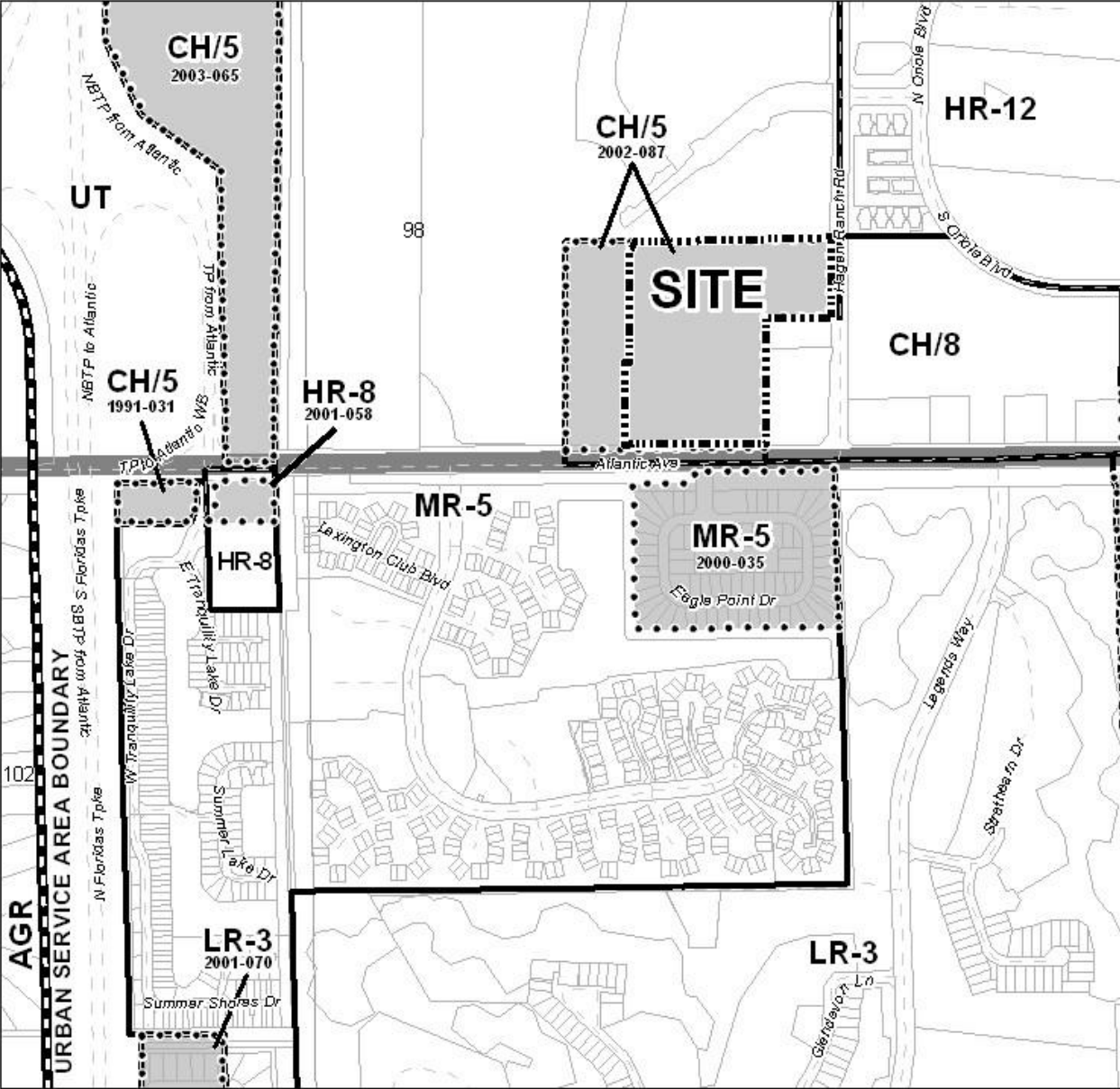
RECOMMENDATION: Staff recommends approval of the amendment subject to 42 Conditions of Approval as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: February 3, 2010: Motion to recommend approval carried by a vote of 8-0.

MOTION: To adopt a resolution approving a Development Order Amendment to increase square footage, reconfigure the site plan, modify/delete Conditions of Approval (Architectural Review, Engineering, Landscaping, Planning, Signs, Site Design), and restart the development clock subject to the Conditions of Approval as indicated in Exhibit C.

PALM BEACH COUNTY PLANNING DIVISION

SITE LOCATION AND LAND USE



Application Number:	DOA-2010-2574
Control Number:	2004-457
Land Use Atlas Page:	98
Date:	12/17/2010



Figure 1 Land Use Atlas Map

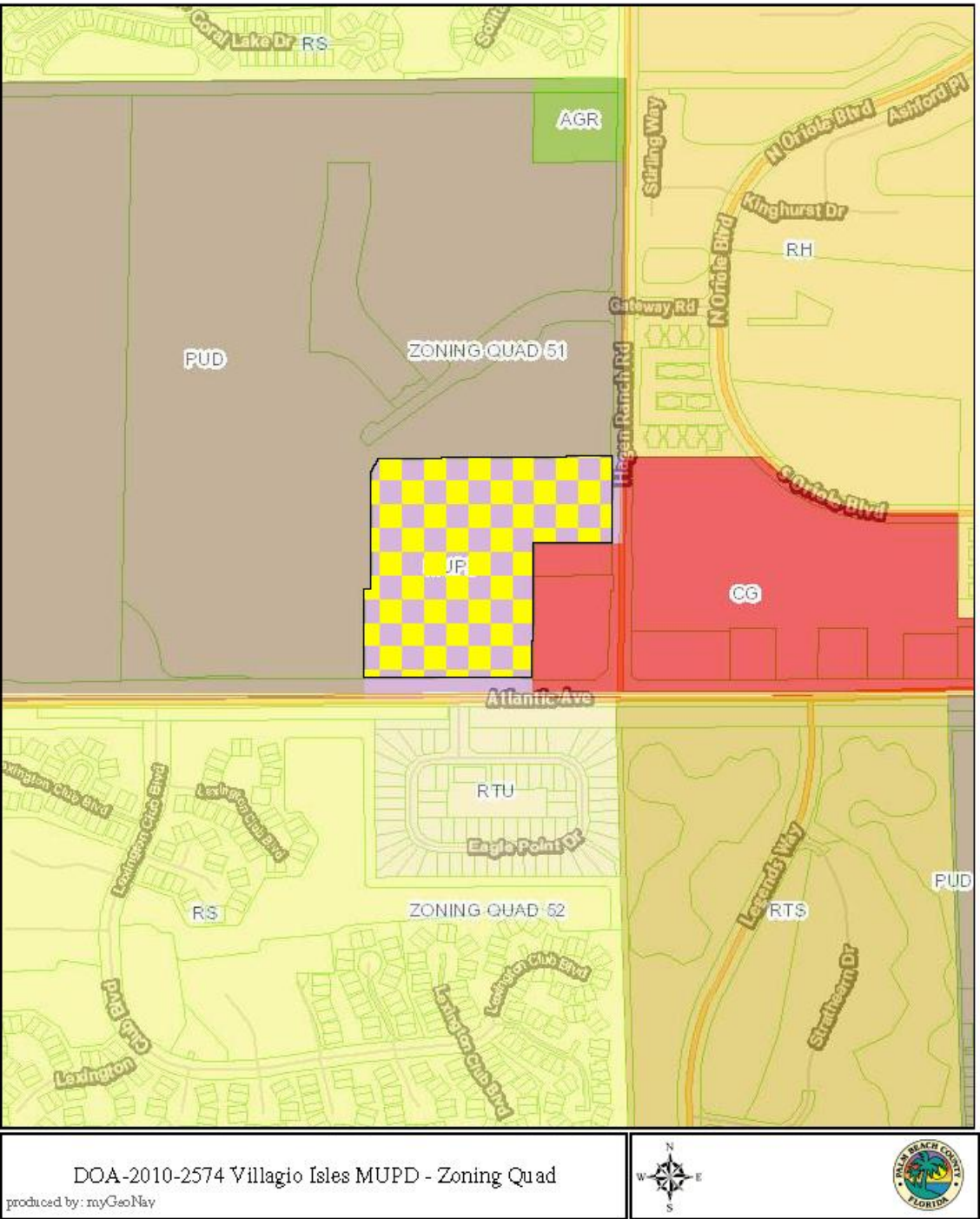


Figure 2 Zoning Quad Map

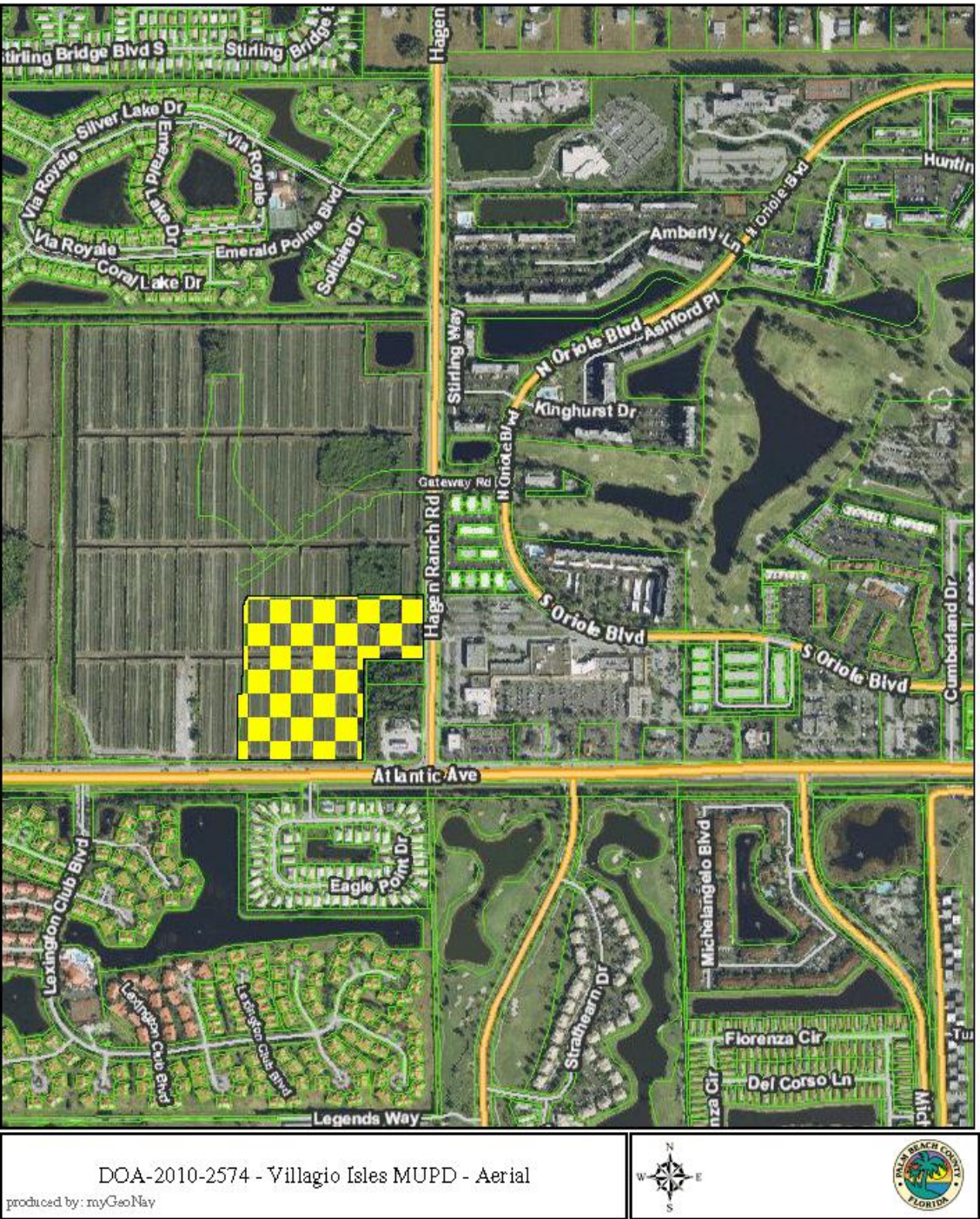


Figure 3 Aerial

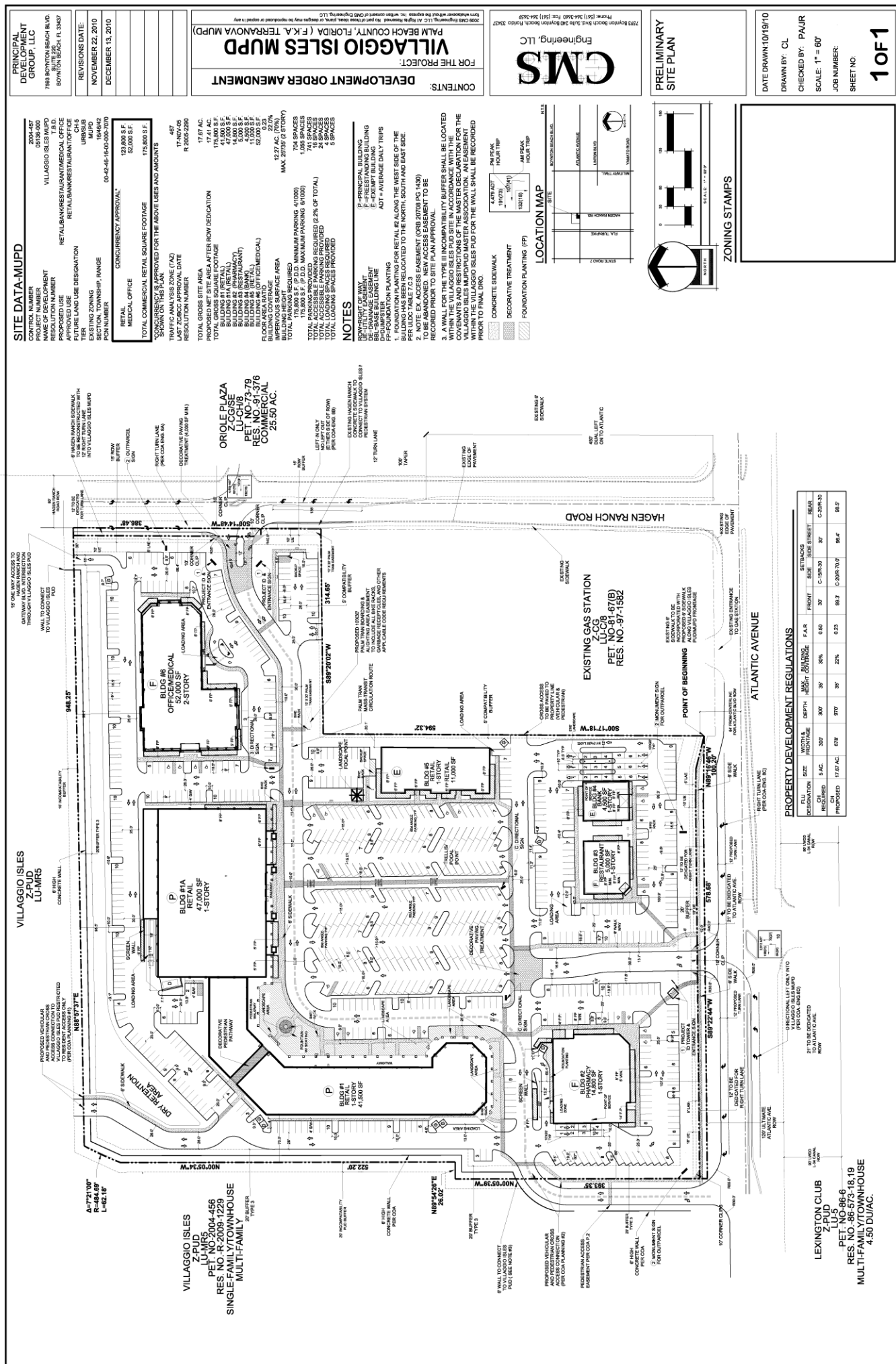


Figure 4 Preliminary Site Plan dated December 13, 2010

PRINCIPAL DESIGNER/ARCHITECT GROUP, LLC
7593 BOYNTON BEACH BLVD.
BOYNTON BEACH, FL 33427

REVISIONS DATE:
NOVEMBER 22, 2010
DECEMBER 13, 2010

CONTENTS:
DEVELOPMENT ORDER AMENDMENT
FOR THE PROJECT:
VILLAGGIO ISLES MUPD
PALM BEACH COUNTY, FLORIDA (F.K.A. TERRANOVA MUPD)

3009 CAD Engineering, LLC 4010 Highway 100, Suite 100, Palm Beach, FL 33480
Phone: (561) 364-3540 Fax: (561) 364-3549
CAD Engineering, LLC
7593 Boynton Beach Blvd Suite 100 Boynton Beach, Florida 33427

REGULATING/DETAIL SHEET

DATE DRAWN 10/19/10
DRAWN BY: CL
CHECKED BY: PAJR
SCALE: N.T.S.
JOB NUMBER:
SHEET NO.

10F2

ZONING STAMPS

BENCH DETAIL N.T.S.
SECTION
ELEVATION
PLAN VIEW

DECORATIVE STREET LIGHT DETAIL N.T.S.
(AS PER ULDC)

BIKE RACK N.T.S.
ELEVATION

DUMPSTER DETAIL N.T.S.
FRONT VIEW
SIDE VIEW
PLAN VIEW

TRELLIS/FOCAL POINT DETAIL N.T.S.
PLAN VIEW
REAR ELEVATION
SIDE ELEVATION

Figure 5 Regulating Plan dated December 13, 2010

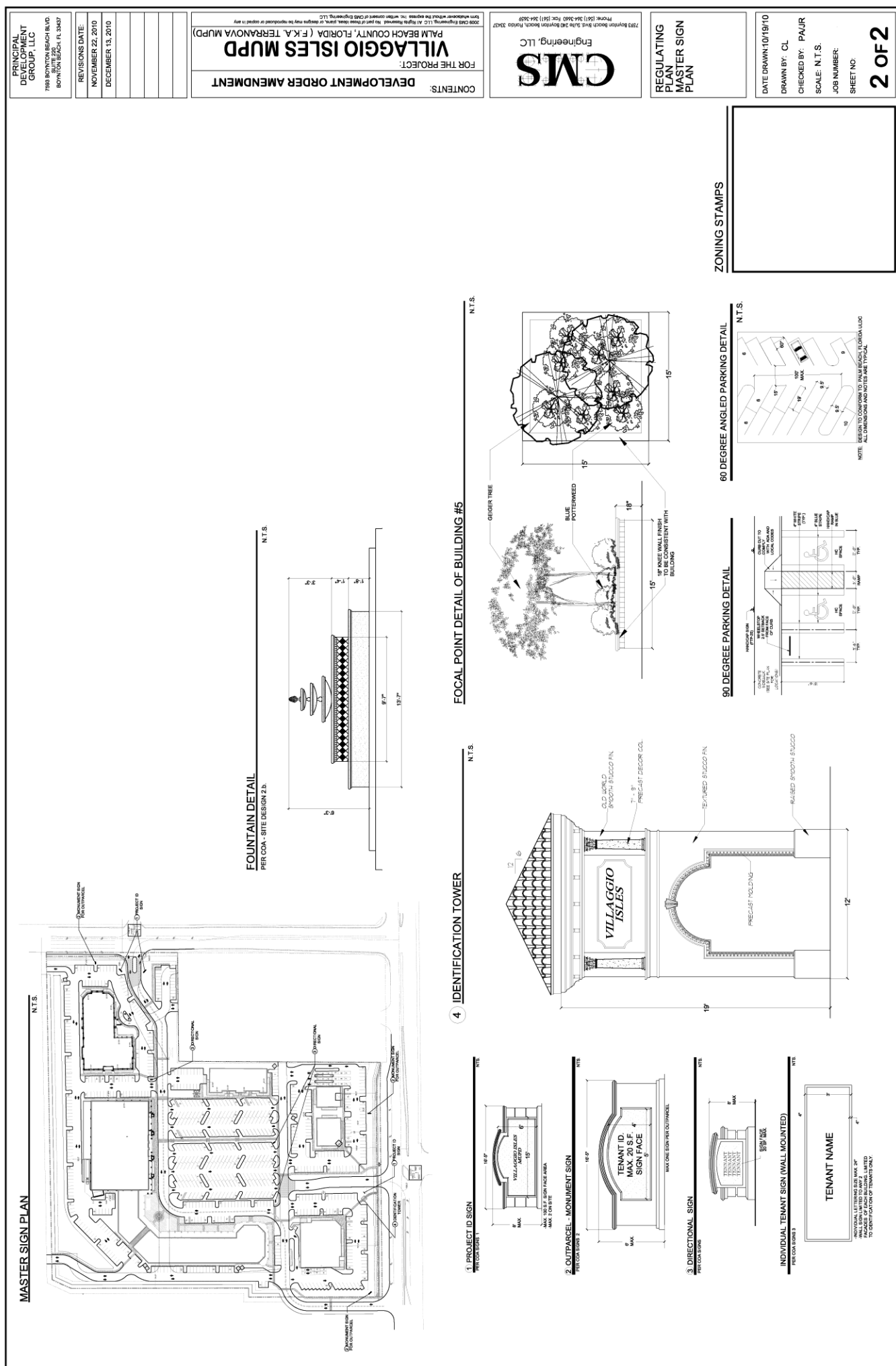


Figure 6 Preliminary Regulating Plan dated December 13, 2010

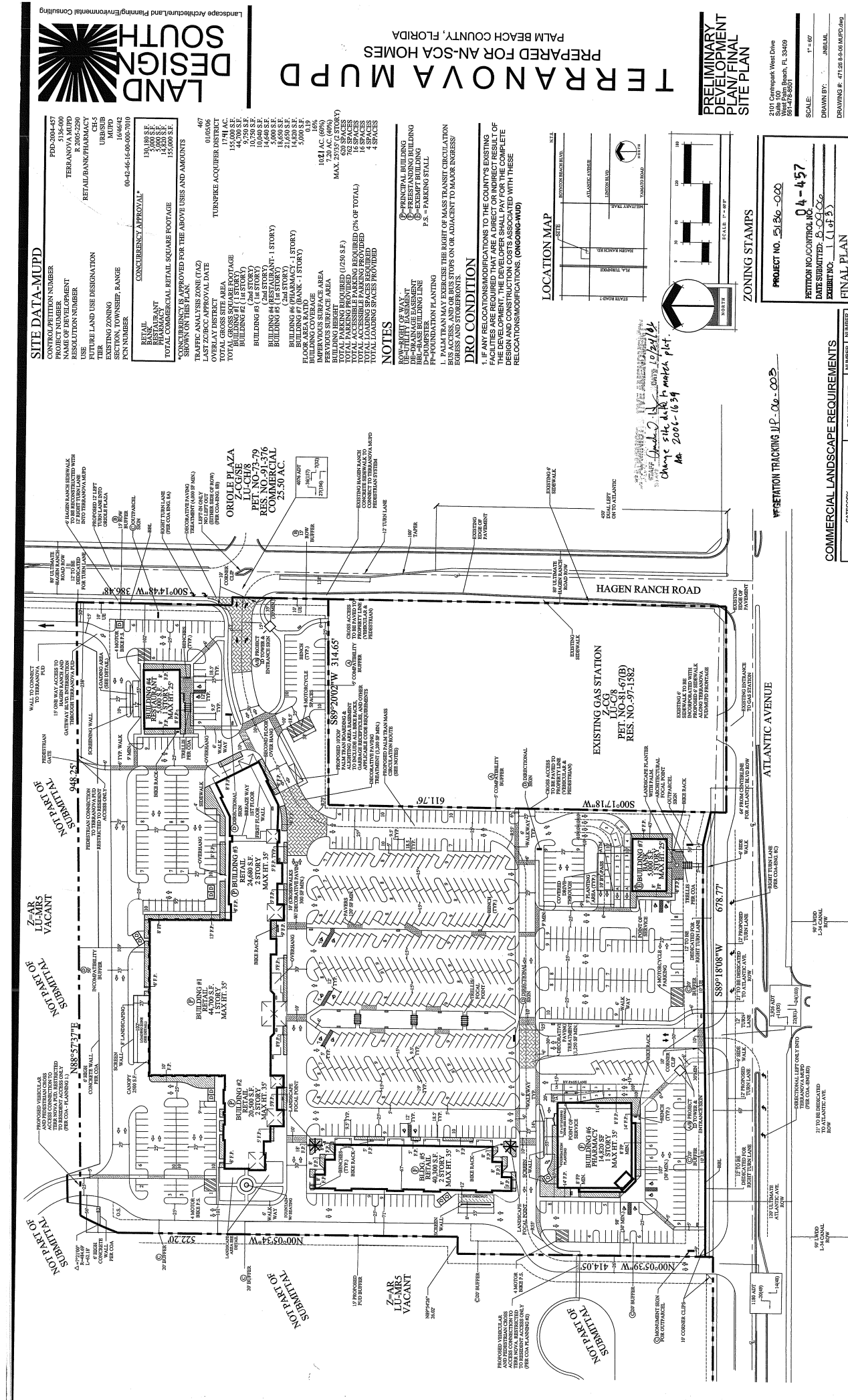


Figure 7 Terra Nova MUPD Final Site Plan dated August 9, 2006

STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: Commercial High with an underlying Medium Residential 5 units per acre (CH/5).

TIER: The subject site is in the Urban/Suburban Tier.

FUTURE ANNEXATION AREAS: The subject site is not within the future annexation area of any municipality.

INTERGOVERNMENTAL COORDINATION: The subject site is not within 1 mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request for a Development Order Amendment to reconfigure the site plan, add office square footage and modify/delete conditions of approval and has found the request to be consistent with the site's CH FLU designation.

The maximum Floor Area Ratio (FAR) of .50 (PDD) allowed for a project with the CH FLU designation in the Urban/Suburban Tier ($17.67 \text{ ac} \times 43,560 \times .50 = 384,852.6$ square feet maximum). The request for 175,800 square feet equates an FAR of 0.23 ($175,800/17.67\text{ac} = 0.228$).

This entire site was the subject of a previous County Initiated FLU amendment. The Board of County Commissioners (BCC) adopted County Initiated Comprehensive Plan Amendment, Commercial Categories (Amendment No. 2002-0050), Ordinance 2002-087, on December 18, 2002, which assigned a Commercial Category of CH to this property. This property was one of approximately 123 Commercial (C) designated parcels totaling approximately 193 acres. This amendment changed the FLU of this site from C/5 to CH/5. There were no conditions associated with this amendment.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The request is not located within an Overlay or Neighborhood planning area that is identified within the Comprehensive Plan.

FINDINGS: The request is consistent with the CH/5 land use designation of the Palm Beach County Comprehensive Plan

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Hagen Ranch Road and a permit from the Florida Department of Transportation for access onto West Atlantic Avenue.

TRAFFIC IMPACTS

Petitioner has estimated the build-out of the project to be December 31, 2015. Total net new traffic expected from this project is 6,307 trips per day, 630 trips in the PM peak hour. Additional traffic is subject to review for compliance with the Traffic Performance Standard.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards. However, this project has relied on the Atlantic Avenue CRALLS (policy 1.2-f.35) and must mitigate its impacts by entering into a funding agreement to pay for the construction of the 6-laning of West Atlantic Avenue from Florida's Turnpike to Jog Road and the 4-laning of West Atlantic Avenue from Lyons Road to Starkey Road. The project is a party to an agreement with the County which satisfies this obligation.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)
Segment: West Atlantic Ave. from the Turnpike to Hagen Ranch Road
Existing count: 2,901
Background growth: 1,211
Project Trips: 126
Total Traffic: 4,238
Present laneage: 4LD
LOS "D" capacity: 3,110
Projected level of service: F* (Adopted LOS for this roadway is 4,700 per the CRALLS)

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis is needed for this request.

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The property is currently under agricultural production and does not support significant amounts of native vegetation.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No Staff Review Analysis is needed for this request.

PARKS AND RECREATION: No Staff Review Analysis is needed for this request.

CONCURRENCY: Concurrency has been approved for 123,000 square feet of Retail, General uses and 52,000 square feet of Medical Office uses.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD).

FINDING: The proposed Development Order Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has

reviewed the request for compliance with the standards that are expressly established by Article 2.B.-2.B and provides the following assessment:

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has reviewed the request for a Development Order Amendment to reconfigure the site plan, add office square footage and modify/delete conditions of approval and has found the request to be consistent with the site's CH FLU designation.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

The proposed reconfigured site plan complies with maximum number of freestanding buildings (3) in addition to the primary building; non-vehicular circulation; perimeter landscape buffers; cross access; parking areas and location of parking; loading spaces (reduced loading space size as supported in the applicant's justification statement); screening of loading areas; and supplementary use standards.

Prior to final site plan approval, the Master Sign Plan shall be revised to comply with the current ULDC requirements in Art. 8 Signage. The Project ID Tower, which was previously approved at 32-feet in height with a project identification sign and now reduced in height, cannot support any sign. The structure will remain a tower feature/focal point with no sign. The previous sign conditions are recommended to be deleted to allow the project to comply with sign regulations that have been substantially revised since the original approval of the project. The previous Lighting conditions are also recommended to be deleted to allow the project to comply with lighting regulations in Art. 5.E.4.E that have been substantially revised since the original approval of the project.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The Terra Nova MUPD (now known as Villaggio Isles MUPD) was previously found to be compatible with the surrounding land uses. The site abuts the Villaggio Isles PUD development to the north and west. A 20-foot wide Type 3 incompatibility buffer with a wall is provided adjacent to residential. The site abuts an existing gas station and vacant commercial land to the east and a similar commercial project (Oriole Plaza) to the east across the 80-foot wide Hagen Ranch Road ROW. To the south across the 120-foot wide Atlantic Avenue ROW is the Lexington Club townhome development. Subject to the recommended conditions of approval, staff does not anticipate any significant incompatibility issue with the request to add square footage, reconfigure the site plan and modify/delete conditions of approval.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The applicant is not proposing any changes to the access points, which were reviewed and discussed extensively by the BCC and the public with the previous approval. The applicant has relocated the dry detention area between the northern buildings and the Type 3 incompatibility buffer to mitigate for the request to delete the landscaping condition of approval for the north property line, which required a 50-foot buffer. Thus, the intent of the 50-foot separation and buffering from the north property line is maintained with the reconfigured site plan. The Architectural Review conditions are modified consistent with the intent of the previously approved conditions to regulate the height of specific buildings.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

The property is currently under agricultural production and does not support significant amounts of native vegetation. There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The site was previously approved for the development of general retail, financial institution, restaurant, and retail pharmacy uses typical of a MUPD located on arterial and collector roads. The amendment requests to increase the intensity and reconfigure the site plan in a logical response to retail and office market development patterns. The applicant is also requesting to restart the development clock pursuant to a new traffic study supporting the timely development of the proposed amendment.

7. **Consistency with Neighborhood Plans** – *The proposed development or amendment is consistent with applicable neighborhood plans in accordance with BCC policy.*

The request is not located within an Overlay or Neighborhood planning area that is identified within the Comprehensive Plan.

8. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

Concurrency has been approved for 123,000 square feet of Retail, General uses and 52,000 square feet of Medical Office uses.

9. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The applicant states that changed conditions and circumstances since the original approval of the MUPD are related to the recent economic recession and retail and office market trends. The applicant requests to redesign the site to provide efficient retail and office layouts that are marketable and attractive to potential tenants for a sustainable project. The applicant proposes to redesign the site to eliminate 2nd floor retail space and expand 1st floor retail space based on their analysis that retail tenants prefer 1st floor and to allocate all of the office space in a separate 2-story office building because the elongated building is more suited for retail space than office space based recent retail and office market trends data for the Delray sub-market.

Staff has evaluated the standards listed under Article 2.B.2.B 1-9 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the DOA request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended conditions of approval as indicated in Exhibit C.

CONDITIONS OF APPROVAL

EXHIBIT C

Development Order Amendment

ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-2005-2290 (Control 2004-457), have been consolidated as contained herein. The property owner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the Unified Land Development Code (ULDC) and the Board of County Commissioners or Zoning Commission, unless expressly modified. (ONGOING: MONITORING - Zoning)

2. All Petitions 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated September 28, 2005. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING Zoning)

Is hereby amended to read:

The approved Preliminary Site Plan is dated December 13, 2010. Modifications to the development order inconsistent with the conditions of approval, or changes to the uses or site design beyond the authority of the DRO as established in the ULDC, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

3. Based on Article 2.E of the Unified land Development Code, this development order meets the requirements to receive a new three (3) year review date from date of approval of this resolution. (DATE: MONITORING - Zoning)

ARCHITECTURAL REVIEW

1. Architectural Review 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Buildings 1,2, 3, and 5, as indicated on the site plan submitted September 28, 2005, shall be submitted simultaneously with the site plan for final architectural review and approval. All building elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)

Is hereby amended to read:

At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for Building 6, as indicated on the site plan submitted December 13, 2010, shall be submitted simultaneously with the site plan for final architectural review and approval. All building elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the approved architectural elevations, the DRO approved plans, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW-Zoning)

2. Design of gutters, rain leaders, and downspouts shall be integrated into the architectural design of each building. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW -Zoning) (Previous Architectural Review 2 of Resolution R-2005-2290, Control 2004-457)

3. Architectural Review 3 of Resolution R-2005-2290, Control 2004-457, which currently states:

The maximum height of Buildings 4, and 7, as indicated on the site plan submitted September 28, 2005, shall not exceed twenty-five (25) feet. All heights shall be measured from finished grade to the highest point of the building, including air conditioning, mechanical equipment, satellite dishes and architectural features. (DRO: ARCH REVIEW -Zoning)

Is hereby deleted. [Reason: No longer applicable.]

ENGINEERING

1. Previous condition E1 of Resolution R-2005-2290, Control No. 2004-457, which currently states: The Developer shall be restricted to the following phasing schedule:

a. No Building Permits shall be issued until the construction commences for intersection improvements at West Atlantic Avenue and Jog Road. Intersection improvements shall be as follows:

- exclusive right turn lane north approach
 - exclusive right turn lane south approach
 - second right turn lane west approach
- (BLDG PERMIT: MONITORING-Eng)

b. No Building Permits shall be issued until the construction commences for the widening of West Atlantic Avenue as a 4 lane facility from Starkey Road to Lyons Road. (BLDG PERMIT: MONITORING-Eng)

c. No Building Permits shall be issued until the contract has been let for the construction of West Atlantic Avenue as a 4 lane facility from Starkey Road to the Florida Turnpike. (BLDG PERMIT: MONITORING-Eng)

d. Building permits for more than 110,000 square feet of commercial building area shall not be issued until the contract has been let for the six (6) lane widening of Jog Road from Lake Ida Road to West Atlantic Avenue. (BLDG PERMITS:MONITORING-Eng)

e. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING)

f. No Building Permits for the site shall be issued after January 1, 2008. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

Is hereby amended to read:

The Developer shall be restricted to the following phasing schedule:

a. No Building Permits shall be issued until the construction commences for intersection improvements at West Atlantic Avenue and Jog Road. Intersection improvements shall be as follows:

- exclusive right turn lane north approach
- exclusive right turn lane south approach
- second right turn lane west approach

(BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED per Atlantic Avenue Agreement]

b. No Building Permits shall be issued until the construction commences for the widening of West Atlantic Avenue as a 4 lane facility from Starkey Road to Lyons Road. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED per Atlantic Avenue Agreement]

c. No Building Permits shall be issued until the contract has been let for the construction of West Atlantic Avenue as a 4 lane facility from Starkey Road to the Florida Turnpike. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED per Atlantic Avenue Agreement]

d. Building permits for more than 110,000 square feet of commercial building area shall not be issued until the contract has been let for the six (6) lane widening of Jog Road from Lake Ida Road to West Atlantic Avenue. (BLDG PERMIT: MONITORING-Eng) [Note: COMPLETED per Atlantic Avenue Agreement]

e. Construction commences is defined as awarding the contract for the construction of the required improvements, the acquisition of all right of way and construction easements and the acquisition of all required permits. (ONGOING: ENGINEERING - Eng) [Note: COMPLETED per Atlantic Avenue Agreement]

f. No Building Permits for the site shall be issued after December 31, 2015. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2.E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Acceptable surety required for the West Atlantic Avenue improvements identified in Condition No. E.1.a and E.1.b above shall be posted with the Office of the Land Development Division on or before May 27, 2006. Surety shall be in the amount of 110% of a Certified Cost Estimate provided by the Property Owner's Engineer and approved by the County Engineer. This surety may be required to be adjusted within 30 days notification from the County Engineer. This revision shall be based upon an updated cost estimate prepared by the Roadway Production Division at the time the final construction plans are completed. (TPS - Maximum 6 month time extension) (DATE: MONITORING - ENG) (Previous condition E2 of Resolution R-2005-2290, Control No. 2004-457) [Note: COMPLETED per Atlantic Avenue Agreement]

3. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: ENGINEERING-Eng) (Previous condition E3 of Resolution R-2005-2290, Control No. 2004-457)

4. Prior to September 15, 2006, the property owner shall complete construction plans for the West Atlantic Avenue improvements identified in Condition No. E.1a and E.1b above. These construction plans shall be approved by the Florida Department of Transportation. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING-Eng) (Previous condition E4 of Resolution R-2005-2290, Control No. 2004-457) [Note: COMPLETED per Atlantic Avenue Agreement]

5. Prior to May 15, 2007, the property owner shall complete construction of the West Atlantic Avenue improvements identified in Condition No. E.1a and E.1b above. All canal crossings (bridges and/or culverts) within the project limits shall be constructed to their ultimate paved configuration. (DATE: MONITORING - ENG) (Previous condition E5 of Resolution R-2005-2290, Control No. 2004-457) [Note: COMPLETED per Atlantic Avenue Agreement]

6. CORRIDOR CONVEYANCE OF ROAD RIGHT OF WAY

The property owner shall convey to Palm Beach County Land Development Division by road right of way warranty deed for West Atlantic Avenue 120 feet north of the existing south right of way line.

Right of way shall be dedicated prior to June 1, 2006. All Right of way conveyances shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. The Grantor also agrees to provide Palm Beach County an environmental report, subject to the approval of County Engineer, demonstrating that this property meets all appropriate and applicable environmental agency requirements. In the event the report makes a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert witness fees including Attorney's fees as well as the actual cost of the clean up prior to dedication. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate as determined by the County Engineer provisions for Expanded Intersection Details and "Corner Clips." (DATE: MONITORING-Eng) (Previous condition E6 of Resolution R-2005-2290, Control No. 2004-457) [Note: COMPLETED]

7. Previous condition E7 of Resolution R-2005-2290, Control No. 2004-457, which currently states:

Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- a. West Atlantic Avenue at the project's entrance road.
- b. Hagen Ranch Road and the project's entrance

These rights of ways shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING- Eng)

Is hereby amended to read:

Prior to issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- i. West Atlantic Avenue at the project's entrance road,
- ii. West Atlantic Avenue at the vehicular cross access connection immediately west of the property,
- iii. Hagen Ranch Road and the project's entrance

These rights of ways shall be a minimum of 280 feet in length, twelve feet in width, and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "corner clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING- Eng)

8. Previous condition E8 of Resolution R-2005-2290, Control No. 2004-457, which currently states: The Property owner shall construct:

- a. Right turn lane north approach on Hagen Ranch Road at the Project's Entrance Road.
- b. left turn lane and associated restricted median improvements (left in only) on the south approach of Hagen Ranch Road at the Project's Entrance Road.
- c. Right turn lane east approach on West Atlantic Avenue at the Project's Entrance Road.
- d. left turn lane and associated restricted median improvements (left in only) on the west approach of West Atlantic Avenue at the Project's Entrance Road.
- e. Construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by: - Palm Beach County for items "a" and "b", and - Florida Department of Transportation for items "c" and "d" shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)
- f. Construction of the turn lane improvements in a. - d. above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

Is hereby amended to read:

The Property owner shall construct:

- i. Right turn lane north approach on Hagen Ranch Road at the Project's Entrance Road.
- ii. Left turn lane and associated restricted median improvements (left in only) on the south approach of Hagen Ranch Road at the Project's Entrance Road.
- iii. Right turn lane east approach on West Atlantic Avenue at the Project's Entrance Road.
- iv. Right turn lane east approach on West Atlantic Avenue at the Vehicular Cross Access Connection immediately west of the site.

v. Left turn lane and associated restricted median improvements (left in only) on the west approach of West Atlantic Avenue at the Project's Entrance Road.

a. Construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with this construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Permits required by: - Palm Beach County for items i and ii, and - Florida Department of Transportation for items iii, iv and v shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING-Eng)

b. Construction of the turn lane improvements in i - v above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)

9. Previous condition E9 of Resolution R-2005-2290, Control No. 2004-457, which currently states: On or before 7/1/06, the property owner shall convey to PBC sufficient road DE(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide LPO for runoff from those segments of W Atlantic Ave along the property frontage; and up to a max of an add'l 800' of W Atlantic Ave frontage. The limits of this add'l 800' of drainage shall be determined by the County Engineer. Said easements shall be no less than 20' in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20' DE from the point of origin, to the point of LPO. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of PBC and the applicable Drainage District, as well as the SFWMD, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed DEs a minimum of 24" closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by PBC within said easements shall become the property of PBC, which at its discretion may use this fill material. (DATE: MONITORING - Eng)

Is hereby amended to read:

On or before April 29, 2013, the property owner shall convey to Palm Beach County sufficient road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of West Atlantic Avenue along the property frontage; and up to a maximum of an additional 800 feet of West Atlantic Avenue frontage. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. At his discretion, the County Engineer may accept equivalent drainage capacity on offsite property subject to drainage easements. Required easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20-foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient retention/detention, Compensating storage within this projects retention system as required by all permitting agencies, and conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County and the applicable Drainage District, as well as the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. If required and approved by the County Engineer the property owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County, which at its discretion may use this fill material. (DATE: MONITORING - Eng)

10. LANDSCAPE WITHIN THE MEDIAN OF WEST ATLANTIC AVENUE

a. The petitioner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of West Atlantic Avenue. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by petitioner shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County, unless petitioner provides payment for maintenance as set forth in Paragraph d below. a) The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first building permit. (BLDG PERMIT: MONITORING-Eng)

b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING -Eng)

c. At petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The petitioner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Petitioner. (ONGOING-ENG-Eng)

d. Also, prior to the issuance of a Building Permit, and at the option of the petitioner, the petitioner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage along West Atlantic Avenue. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGONG: ENGINEERING-Eng)

(Previous condition E10 of Resolution R-2005-2290, Control No. 2004-457) [Note: COMPLETED per Atlantic Avenue Agreement]

11. Previous condition E11 of Resolution R-2005-2290, Control No. 2004-457, which currently states:

TEMPORARY ROADWAY CONSTRUCTION EASEMENT

Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)

Is hereby amended to read:

TEMPORARY ROADWAY CONSTRUCTION EASEMENT

Prior to issuance of a building permit, or within ninety (90) days of a request from the County Engineer, whichever shall occur first, the property owner shall convey a temporary roadway construction easement along West Atlantic Avenue to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County Standards and Codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT/ONGOING: MONITORING-Eng)

12. The mix of allowable uses between this project and the adjacent companion residential parcel and the phasing requirements for this project may be adjusted by the County Engineer based upon an approved Traffic Study, addressing the combined impacts for both projects which complies with Mandatory Traffic Performance Standards in place at the time of the request. (ONGOING: ENGINEERING - ENG)

(Previous condition E12 of Resolution R-2005-2290, Control No. 2004-457)

13. Prior to final site plan approval by the DRO, the property owner shall revise the access easement for the adjacent PUD to locations that do not conflict with proposed buildings. (DRO: ENGINEERING - Eng)

HEALTH

1. Owners and operators of facilities generating hazardous, toxic, or industrial wastes shall not deposit or cause to be deposited any such wastes into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection (FDEP) the Palm Beach County Health Department and the agency responsible for sewerage works is used. (ONGOING: HEALTH-Health) (Previous condition Health 1. of Resolution R-2005-2290; Control 2004-457)

LANDSCAPE - GENERAL

1. Zoning - Landscape Standards 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum standards at installation:

- a. tree height: Fourteen (14) feet;
- b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
- c. canopy diameter: Seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby amended to read:

A minimum of fifty (50) percent of all trees to be planted in the landscape buffers shall meet the following minimum height at installation: Fourteen (14) feet. Credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning)

2. All palms required to be planted on the property by this approval shall meet the following minimum standards at installation:

- a. palm heights: twelve (12) feet clear trunk;
- b. clusters: staggered heights twelve (12) to eighteen (18) feet; and,
- c. credit may be given for existing or relocated palms provided they meet current ULDC requirements. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Zoning - Landscape Standards 2 of Resolution R-2005-2290, Control 2004-457)

3. Field adjustment of locations of berms, walls and plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Zoning - Landscape Standards 3 of Resolution R-2005-2290, Control 2004-457)

LANDSCAPE - INTERIOR

4. A minimum of three (3) small palms and ground cover shall be installed at the median of each drive-thru lane. (BLDG PERMIT: LANDSCAPE-Zoning) (Previous Zoning - Landscape Standards 4 of Resolution R-2005-2290, Control 2004-457)

LANDSCAPE - PERIMETER

5. Zoning - Landscaping along the north property line (abutting the Terra Nova PUD) 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

In addition to the proposed landscaping and buffering program and code requirements, landscaping and buffer width along the north property line shall be upgraded to include:

- a. a minimum fifty (50) foot wide landscape buffer strip;

- b. a continuous berm with a minimum height of three (3) feet. Berm height shall be measured from the nearest top of curb, crown of the adjacent street or the nearest finished floor elevation, whichever is higher;
- c. a six (6) foot high opaque concrete panel wall to be located on the plateau of the berm. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure. A maximum of two (2) openings in the wall shall be permitted to provide pedestrian connectivity;
- d. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
- e. shrub materials required by code shall be double in quantity;
- f. plant materials required by ULDC or by conditions of approval shall be planted alternating on both sides of the wall; and,
- g. prior to the issuance of the first building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. This plan shall be prepared in accordance to the landscape code requirements and conditions as required under 1.a-1.f. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby deleted. [Reason: DOA-2010-2457 request to delete condition based on reconfigured Preliminary Site Plan.]

6. Zoning - Landscaping abutting the south and west property lines (frontage of Atlantic Boulevard and Terra Nova PUD) 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

In addition to ULDC requirements, landscaping and buffering along the south property line shall be upgraded to include one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

Is hereby amended to read:

In addition to ULDC requirements, landscaping and buffering in the north, the south right-of-way, and the west buffers shall be upgraded to include one (1) palm for each thirty (30) linear feet with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE-Zoning)

LIGHTING

1. Previous Lighting 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [Reason: Project is not constructed and current ULDC requirements for lighting within 100 feet of residential is more restrictive.]

2. Lighting 2 of Resolution R-2005-2290, Control 2004-457, which currently states:

All outdoor, freestanding lighting fixtures be setback twenty-five (25) feet from the north property line. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted: [Reason: Project is not constructed and current ULDC Lighting requirements regulate maximum light trespass at a property boundary abutting residential.]

3. Lighting 3 of Resolution R-2005-2290, Control 2004-457, which currently states:

All outdoor lighting shall be extinguished no later than one-half (1/2) hour after operating hours excluding security lighting only. (ONGOING: CODE ENF - Zoning)

Is hereby deleted: [Reason: Current ULDC Lighting requirements addresses Security Lighting and Time Restrictions.]

4. Lighting 4 of Resolution R-2005-2290, Control 2004-457, which currently states:

The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

Is hereby deleted. [Reason: No longer applicable.]

PALM TRAN

1. Prior to final approval by the Development Review Officer (DRO), the property owner shall amend the Master Site Plan to indicate mass transit circulation, bus access, and/or bus stops on or adjacent to the subject property. (DRO: PALM TRAN-Zoning)

2. Prior to Plat Recordation or issuance of the first Building Permit, whichever shall first occur, the property owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran is required. (BLDG PERMIT/PLAT:MONITORING/ENG -Palm Tran)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a pedestrian cross access connection, in addition to the vehicular cross access connection shown on the certified plan, at the northwestern portion of the property. A note shall be placed at this location that reads proposed vehicular and pedestrian cross access connection". This pedestrian connection shall be adjacent to the vehicular connection and provide continuous pedestrian circulation from the property line to the fountain" area. This cross access connection shall align with the proposed cross access connection in the adjacent property. (DRO: PLANNING - Planning) (Previous Planning Condition 1 of Resolution 2005-2290, Control No. 2004-457)

2. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to indicate a pedestrian cross access connection at the southwestern portion of the site which shall provide continuous circulation to the proposed pedestrian connection from the cul-de-sac in the adjacent PUD. A note shall be placed at this location that reads proposed pedestrian cross access connection". (DRO: PLANNING - Planning) (Previous Planning Condition 2 of Resolution 2005-2290, Control No. 2004-457)

3. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the adjacent property to the northwest for the proposed vehicular connection in a form acceptable to the County Attorney. (DRO: COUNTY ATTY - Planning) (Previous Planning Condition 3 of Resolution 2005-2290, Control No. 2004-457)

4. Prior to final approval by the Development Review Officer (DRO), the property owner shall record cross access easements from the subject property to the adjacent commercial property to the southeast for the two proposed vehicular connections in a form acceptable to the County Attorney. (DRO: COUNTY ATTY - Planning) (Previous Planning Condition 4 of Resolution 2005-2290, Control No. 2004-457)

5. Previous Planning Condition 5 of Resolution R-2005-2290, Control 2004-457 which currently states:

Prior to the issuance of the first certificate of completion (CC) or certificate of occupancy (CO), whichever shall occur first, the property owner shall pave all vehicular and pedestrian cross access connections to the edge of the property line, with a break in any buffering or walls, at the locations shown on certified plan. (CC: MONITORING - Planning)

Is hereby amended to read:

Prior to the issuance of the first certificate of completion (CC) or certificate of occupancy (CO) for Buildings 1,1A and 6, whichever shall occur first, the property owner shall pave all vehicular and pedestrian cross access connections on the northwest portion of the site to the edge of the property line, with a break in any buffering or walls, at the locations shown on certified plan. (CO/CC: MONITORING - Planning)

6. Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall include all pedestrian pathways generally consistent with the certified plan. (DRO: PLANNING - Planning) (Previous Planning Condition 6 of Resolution 2005-2290, Control No. 2004-457)

7. Prior to the issuance of the first certificate of completion (CC) or certificate of occupancy (CO) for Buildings 2, 3, 4 and 5, whichever shall occur first, the property owner shall pave vehicular and pedestrian cross access connections along the northeast, east and southwest portions of the site to the edge of the property line, with a break in any buffering or walls, at the SW and SE locations shown on certified plan. (CO/CC: MONITORING - Planning)

8. Prior to the issuance of the certificate of completion (CC) or certificate of occupancy (CO) for 145,000 square feet, the property owner shall pave all vehicular and pedestrian cross access connections to the edge of the property line, with any required breaks in any buffering or walls, as shown on the certified plan. (CO/CC: MONITORING - Planning)

SIGNS

1. Signs 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

Signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side one hundred (100) square feet;
- c. maximum number of signs two (2) for the overall site;
- d. style - monument style only;
- e. location - approximately fifty (50) feet measured from the centerline of each access point at West Atlantic Avenue and at Hagen Ranch Road as indicated on the Site Plan and Regulating Plan dated September 28, 2005; and,
- f. signs shall be limited to identification of the overall development only. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - eight (8) feet;
- b. maximum sign face area per side one hundred (100) square feet;
- c. maximum number of signs two (2) for the overall site;
- d. style - monument style only;
- e. location - approximately fifty (50) feet measured from the centerline of each access point at West Atlantic Avenue and at Hagen Ranch Road as indicated on the Site Plan and Regulating Plan dated December 13, 2010; and,
- f. signs shall be limited to identification of the overall development only. (BLDG PERMIT: BLDG - Zoning)

2. Signs 2 of Resolution R-2005-2290, Control 2004-457, which currently states:

Freestanding Outparcel Identification signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side twenty (20) square feet;
- c. maximum number of signs is one (1) per outparcel;
- d. style - monument style only;
- e. location - as indicated on the site plan dated September 28, 2005; and,
- f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

Is hereby amended to read:

Freestanding Outparcel Identification signs shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - six (6) feet;
- b. maximum sign face area per side twenty (20) square feet;
- c. maximum number of signs is one (1) per outparcel;
- d. style - monument style only;

- e. location - as indicated on the site plan dated December 13, 2010; and,
- f. signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

3. Signs 3 of Resolution R-2005-2290, Control 2004-457, which currently states:

Wall signs shall be limited to any two (2) facades of each building and individual lettering size shall be limited to twenty-four (24) inches high, subject to compliance with all applicable ULDC requirements. Wall signs shall be limited to identification of tenants only. (BLDG PERMIT: BLDG - Zoning)

Is hereby deleted. [Reason: Wall signs are to comply with current ULDC Art. 8 requirements.]

SITE DESIGN

1. Prior to final approval by the Development Review Officer (DRO), the site plan shall be revised to relocate the sidewalk on the south side of Building 6 from the north side of the drive aisle to the south side of the drive aisle. (DRO: ZONING - Zoning)

2. Prior to final approval by the Development Review Officer (DRO), a copy of the Final Site Plan for Villaggio Isles PUD shall be submitted indicating a 6-foot high wall within the east 15-foot incompatibility buffer of Pod E to comply with ULDC Art. 3.E.3.B.2. If this wall is not indicated within the Villaggio Isles PUD Final Site Plan, then the Villaggio Isles MUPD Final Site Plan shall be revised to indicate a 6-foot high wall in the west Type 3 incompatibility buffer south of the vehicular and pedestrian cross access. (DRO: ZONING - Zoning)

3. Prior to Certificate of Occupancy (CO) for Bldg. 2, if the 6-foot high wall has not been completed west of the vehicular and pedestrian cross access on the adjacent property (Villaggio Isles PUD), the property owner shall install a 6-foot wall in the Type 3 incompatibility buffer south of the cross access connection. (CO: LANDSCAPING - Landscaping)

4. Site Design 1 of Resolution R-2005-2290, Control 2004-457, which currently states:

Prior to final approval by the Development Review Officer (DRO), the plan shall be revised to remove six (6) parking spaces east of the pharmacy drive-thru or provide back-up aisle for these spaces. (DRO:DRO-Zoning)

Is hereby deleted. Reason: No longer applicable.

5. Site Design 2 of Resolution R-2005-2290, Control 2004-457, which currently states:

Prior to final approval by the Development Review Officer (DRO), layout plan/sections/details for the following shall be provided and indicated on the Regulating Plan:

- a. the fountain (Building 2);
- b. landscape focal points (Building 5);
- c. revise the southwest corner of Building 4 to provide an Architectural/Landscape focal point;
- d. architectural/landscape focal points (Building 7);
- e. each focal point shall include, but not be limited to, a fountain, sculpture, loggia or other architectural element. Special planting treatment shall not satisfy the requirement for any focal point. The design and location of this element(s) shall be subject to review and approval by the Architectural Review Section. (DRO:ARCH REVIEW-Zoning)

Is hereby deleted. Reason: No longer applicable.

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer/property owner shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING : PBCWUD - PBCWUD) (Previous Utilities Condition 1 of Resolution R-2005-2290, Control 2004-457)

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant both on the record and as part of the application

process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

- a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy (CO); the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
- b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code (ULDC) at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
- d. Referral to code enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

EXHIBIT D: Disclosure

Print Form

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Ramzi Akel, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Manager [position—
e.g., president, partner, trustee] of Principal Development Group, LLC, [name and type of
entity—e.g., ABC Corporation, XYZ Limited Partnership] ^{A Florida Limited Liability Company} that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.

2. Affiant's address is: 7593 BOYNTON BEACH BLVD., S-220
BOYNTON BEACH, FL 33437.

3. Attached hereto as Exhibit "B" is a complete listing of the names and
addresses of every person or entity having a five percent or greater interest in the
Property. Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant to
Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm
Beach County policy, and will be relied upon by Palm Beach County in its review of
application for Comprehensive Plan amendment or Development Order approval
affecting the Property. Affiant further acknowledges that he or she is authorized to
execute this Disclosure of Ownership Interests on behalf of any and all individuals or
entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this
disclosure to reflect any changes to ownership interests in the Property that may occur
before the date of final public hearing on the application for Comprehensive Plan
amendment or Development Order approval.

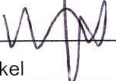
Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

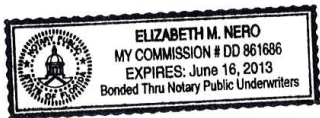
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

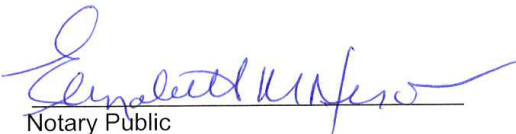
FURTHER AFFIANT SAYETH NAUGHT.



Ramzi Akel, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 12 day of December, 2010, by Ramzi Akel, [☒] who is personally known to me or [☐] who has produced _____ as identification and who did take an oath.





Notary Public
Elizabeth M. Nero
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: 6-16-2013

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "A"**PROPERTY**

DESCRIPTION:

A PORTION OF THE PLAT OF SUBDIVISION OF S.E 1/4 AND W. 1/2 OF SECTION 16 TOWNSHIP 46S RANGE 42E, AS RECORDED PLAT BOOK 1, PAGE 158 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 16; THENCE S89° 22'44"W ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 335.15 FEET; THENCE N00°17'18"E, A DISTANCE OF 78.54 FEET TO A POINT OF INTERSECTION WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC BOULEVARD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510; THENCE CONTINUE N00°17'18"E, A DISTANCE OF 17.44 FEET TO A POINT OF INTERSECTION WITH THE PROPOSED NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC BOULEVARD), AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93030-2510, AND THE POINT OF BEGINNING; THENCE S.89°16'46"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 100.20 FEET; THENCE S.89° 22'44"W. ALONG SAID PROPOSED RIGHT-OF-WAY LINE, A DISTANCE OF 578.68 FEET; THENCE N.00°05'39"W., A DISTANCE OF 393.35 FEET; THENCE N.89° 54'26"E., A DISTANCE OF 26.02 FEET; THENCE N.00°05'34"W., A DISTANCE OF 522.20 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.69°25'52"E., A RADIAL DISTANCE OF 484.69 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07°21'00", A DISTANCE OF 62.18 FEET; THENCE N.88°57'37"E., A DISTANCE OF 948.25 FEET TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF HAGEN RANCH ROAD, AS RECORDED IN OFFICAL RECORD BOOK 13275, PAGE 1342 OF SAID PUBLIC RECORDS; THENCE S.00°14'48"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 386.48 FEET; THENCE S.89° 20'02"W., A DISTANCE OF 314.65 FEET; THENCE S.00°17'18"W., A DISTANCE OF 594.32 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.
CONTAINING 769,864 SQUARE FEET OR 17.674 ACRES MORE OR LESS.



Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	Percentage of Interest
Ramzi Akel	7593 Boynton Beach Blvd., Suite 220, Boynton Beach, FL, 33437.	33.3%
Charles Scardina	7593 Boynton Beach Blvd., Suite 220, Boynton Beach, FL, 33437.	33.3% 
Angelo Scardina	7593 Boynton Beach Blvd., Suite 220, Boynton Beach, FL, 33437.	33.3% 

<p><u>Communities</u> Abbey Village Addison Reserve C.C. Addison Trace Aspen Ridge Bel-Aire Boca Delray C.C. Bonaire Village Bridgeview Bristol Pointe Camelot Village Cloister Del Mar Coco Wood Lakes Country Lake Crosswinds of Delray Deauville Village Delaire C. C. Delray Harbor Club Delray Lakes Estates Delray Villas I Delray Villas III Delray Villas IV/V Delray W. Townhouses Emerald Pointe Floral Lakes Four Seasons Gleneagles C. C. Hamilton House Hamlet C. C. Heritage Park West High Point of Delray Beach High Point West I High Point West 2 Hunter's Run C.C. Huntington Lakes (5) Huntington Pointe Huntington Towers International Club Kings Point Lakes of Delray Las Verdes Legacy at Sherwood Forest Lexington Club Mizner Master Assoc. HOA Monterey Lakes Morningstar Newport Cove Palm Beach Bath & Tennis Palm Greens 1 Palm Greens 2 Pelican Harbor Pines of Delray E. Pines of Delray N. Pines of Delray W. Pine Ridge Pinewood Cove Polo Trace C. C. Rainberry Bay Saturnia Isles Shadywoods Tierra Del Rey Tierra Verde at Delray Beach Tropic Bay Tropic Isle Valencia Falls Valencia Palms Villa Borghese Vizcaya Waterways Whisper Walk (5)</p>	<div data-bbox="719 333 1248 532"><p><i>Alliance of Delray Residential Associations, Inc.</i> 13900 Jog Road, Suite 203 - 212 Delray Beach, FL 33446 Phone (561) 495-9670 FAX# (561) 495-0888 Visit our Website: www.allianceofdelray.com</p></div> <div data-bbox="495 623 1429 1534"><p>January 25, 2011</p><p>The Honorable Karen Marcus, Chair Palm Beach Board of County Commissioners 301 North Olive Ave. Suite 1201 West Palm Beach, FL 33401</p><p>Re: Villaggio Isles MUPD Control # 2004-457 Project # 05136-000</p><p>Dear Commissioner Marcus:</p><p>Representatives from Anasca and C.M.S. Engineering have met with the Alliance regarding the Villaggio Isles MUPD retail/office (mall surrounding gas station) project planned for the corner of Hagen Ranch Road and West Atlantic Avenue.</p><p>The Alliance will voice no objection to this project.</p><p>Thank you.</p><p>Sincerely, <i>Robert Schulbaum</i> Robert Schulbaum, President Alliance of Delray Residential Associations, Inc.</p><p>Cc: The Honorable Burt Aaronson</p></div> <div data-bbox="667 1709 1269 1959"><p><u>Officers</u> Robert Schulbaum, <i>President</i> Margie J. Walden, <i>Executive Vice President</i> Lori Vinikoor, <i>First Vice President</i>, Mort Mazor, <i>Vice President</i>, Barbara Zee, <i>Vice President</i>, Evelyn Spielholz, <i>Secretary</i>, Stan Kalish, <i>Treasurer</i></p><p><u>Directors</u> Norma Arnold, Ed Berger, Edwin Goldwasser, Stan Goodman, Harold Kleiner, Charles Laufer, Phyllis Levine, Susan Zuckerman Joshua Gerstin, <i>Legal Counsel</i> Richard Herman, Assistant to the President</p></div>
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